

AGENDA

**REGULAR MEETING
BOARD OF COMMISSIONERS
315 WEST SECOND STREET
FRANKFORT, KY 40601
(502) 875-8500**

**APRIL 25, 2005
5:30 P.M. (EDT)**

**1. INVOCATION
ROLL CALL
MINUTES**

REVEREND LOUIS NEWBY, FIRST CORINTHIAN CHURCH

**MARCH 14, 2005, WORK SESSION; MARCH 17, 2005, WORK
SESSION; MARCH 28, 2005 REGULAR MEETING, MARCH 29,
2005 SPECIAL MEETING; APRIL 11, 2005, WORK SESSION.**

MAYOR'S REPORT

2 CEREMONIAL ITEMS

2.1 Recognition of Parks and Recreation, Downtown Division, for receipt of two statewide awards from the Kentucky History and History Foundation of Kentucky:

- Museum Exhibit Award of Merit 2005 for Capital City Museum
- Award of Merit for 1864 Christmas Program

Attachment: Memorandum from Parks and Recreation Director Steve Brooks.

2.2 Presentation by Senator Julian Carroll and Representative Derrick Graham.

2.3 Recognition of Frankfort Fire and EMS from Joy Jeffries, Executive Director, Frankfort/Franklin Tourism Commission.

3 ORDINANCES

3.1 **SECOND READING:** An Ordinance rezoning property located at Tract B, located at the intersection of U. S. Highway 60 and Meadow View Drive, from RL (Low Density Multi-Family Residential) to CL (Limited Commercial).

Purpose: Approval of the recommendation of approval by the Frankfort/Franklin County Planning Commission concerning a zone map amendment by attorney Clay Patrick, on behalf of Sonya B. Williams, who is requesting approval of a Zone Map Amendment (Rezoning) for a subject site being Tract B at the southwest corner of the intersection of US 60 and Meadow View Drive, with the parcel map number of 049-20-05-004.00, containing approximately 1.81 acres, for the use of limited retail.

Background: KRS requires that a public hearing be held by the Planning Commission, and that the Planning Commission's recommendation be forwarded to the Local Government (City Commission) for final approval or denial.

Should the City Commission desire to not follow the Planning Commission's recommendation, then the item must be tabled and a request for a verbatim transcript of the Planning Commission meeting, which must be obtained before the item can be heard by the City Commission. The City Commission will then be required to make their own findings of fact based on the verbatim transcript or hold its own public hearing and then make findings of fact.

On February 10, 2005, the Frankfort-Franklin County Planning Commission held a public hearing to consider a zone change request for this property. The public hearing was closed and the Planning Commission adopted the staff report as the summary of testimony, approved the staff findings within the report as the findings of facts, and voted to recommend approval of the zone change based on the findings of fact (staff report). The motion to recommend approval of the zone map amendment as requested by the applicant was passed by a vote of 9-0, based on the staff findings of fact within the report and that the request is consistent with the adopted Comprehensive Plan.

Recommendation: Approval

Attachments: Ordinance
Adopted Findings of Fact (staff report)
Summary of testimony
Staff report, reviewed by the Frankfort/Franklin County Planning Commission.

Contact Person

Name: Gary Muller
Title: Director of Planning and Building Codes
Department: Planning and Building Codes
Phone: (502) 352-2100
E-mail: Gmuller@fewpb.com

- 3.2 **FIRST READING:** An Ordinance rezoning property identified as Lot 4B-1 recorded on Plat Book F, Page 715, located at the intersection of Hudson Hollow Road and Honey Court, from CH (Commercial Highway) to RL (Low Density Multi-Family Residential), more specifically described as map ID number 049-00-00-032-00 containing appropriately 2.16 acres

Purpose: Approval of the recommendation of approval by the Frankfort/Franklin County Planning Commission concerning a zone map amendment by Mr. Joe Johnson, on behalf of Capital Condos, LLC, is requesting approval of a zone map amendment from CH (Commercial Highway) to RH (High Density Multi-Family) for a 2.16 acre parcel of property located on Hudson Hollow Road and Honey Court, for the use of multi-family residential.

Background: KRS requires that a public hearing be held by the Planning Commission and that the Planning Commission's recommendation be forwarded to the Local Government (City Commission) for final approval or denial.

Should the City Commission desire to not follow the Planning Commission's recommendation, then the item must be tabled and a request for a verbatim transcript of the Planning Commission meeting, which must be obtained before the item can be heard by the City Commission. The City Commission will then be required to make their own findings of fact based on the verbatim transcript or hold its own public hearing and then make findings of fact.

On February 10, 2005, the Frankfort-Franklin County Planning Commission held a public hearing to consider a zone change request for this property. The public hearing was closed and the Planning Commission tabled the item for the summary to be prepared for their next meeting. On March 10, 2005, the Planning Commission re-opened the item, approved the summary, made findings of fact, adopted findings of fact, and motioned to recommend approval of a zone map amendment from CH to RL for the subject property rather than the requested RH district, based on the adopted findings of facts (attached). The motion to recommend approval of the modified zone map amendment passed by a vote of 4-2, based on the testimony received, findings of fact, and that the recommended zone map amendment is consistent with the adopted Comprehensive Plan.

Recommendation: Approval

Attachments:

- Ordinance
- Adopted Findings of Facts
- Summary of testimony and staff report reviewed by the Frankfort/Franklin County Planning Commission. (minutes from the March 10, 2005 meeting will be made available upon completion)

Contact Person

Name: Gary Muller
Title: Director of Planning and Building Codes
Department: Planning and Building Codes
Phone: (502) 352-2100
E-mail: Gmuller@fewpb.com

3.3 **FIRST READING:** An Ordinance adopting erosion control and sediment control measures.

Purpose: The purpose of this item is to consider adopting an Erosion Protection and Sediment Control Ordinance as required by the Storm water Phase II Permit.

Background: The U.S. Environmental Protection Agency (EPA) developed the National Pollution Discharge Elimination System (NPDES) storm water permitting program as part of the 1972 Clean Water Act. The Clean Water Act authorizes local governments to require any state or federal department or agency to comply with all local water pollution control requirements. Under the Phase II Program, the City of Frankfort and the Franklin County Fiscal Court are required to adopt an Erosion Protection and Sediment Control Ordinance to control soil erosion and sedimentation resulting from land disturbance activities.

The regulations set forth in this ordinance is intended to protect and enhance the municipal separate storm sewer system and waters of the Commonwealth. The primary goal of the Ordinance is to maintain the pre-development runoff characteristics, reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding. These regulations for storm water management apply to development or redevelopment of land for residential, commercial, institutional, and industrial use within the city limits or urbanized area of the county (but do not apply to agricultural practices).

The proposed Ordinance has been reviewed and approved by the City of Frankfort/Franklin County Storm water Advisory Committee.

Financial Analysis: Funds for implementation of the Phase II Permit are available in the Public Works Advisory Technical Budget (Account#100.61.53210). However, it should be noted that funding options to finance the un-funded Phase II Storm water mandate shall be presented to the Board at a later date.

Recommendation: Approval

Attachments: Ordinance

Contact Person

Name:	Jeff Hackbart	Vicki Sewell
Title:	Director of Public Works	Franklin County Planning Director
Department:	Public Works	Planning
Phone:	352-2091	875-8751
E-Mail:	jhackbrt@fewpb.com	vsewell@dcrcr.net

3.4 **FIRST READING:** An Ordinance regulating illicit storm water discharge controls

Purpose: The purpose of this item is to consider adopting an Illicit Discharge Control Ordinance as required by the Storm water Phase II Permit.

Background: The regulations set forth in this Ordinance are intended to protect and enhance the water quality of watercourses and water bodies in a manner pursuant and consistent with the Federal Clean Water Act by prohibiting non-storm water discharges to the municipal storm sewer system. The Ordinance also establishes legal authority to carry out all inspection, surveillance and monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.

The proposed Ordinance has been reviewed and approved by the City of Frankfort/Franklin County Storm water Advisory Committee and forwarded to the Board for consideration.

Financial Analysis: Funds for implementation of the Phase II Permit are available in the Public Works Advisory Technical Budget (Account#100.61.53210).

Recommendation: Approval

Attachments: Ordinance

Contact Person Name:	Jeff Hackbart	Vicki Sewell
Title:	Director of Public Works	Franklin County Planning Director
Department:	Public Works	Planning
Phone:	352-2091	875-8751
E-Mail:	jhackbrt@fewpb.com	vsewell@dcrcr.net

3.5 **FIRST READING:** An Ordinance regulating post-construction storm water runoff.

Purpose: The purpose of this item is to consider adopting a Post Construction Runoff Ordinance as required by the Storm water Phase II Permit.

Background: The regulations set forth in this Ordinance are intended to protect and enhance the water quality of watercourses and water bodies in a manner pursuant and consistent with the Federal Clean Water Act. The primary goal of the Ordinance is to maintain after development, as nearly as possible, the predevelopment characteristics, and reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding. These regulations for storm water management shall apply to the development or redevelopment of land for residential, commercial, or industrial use, but do not apply to agricultural land practices.

The proposed Ordinance has been reviewed and approved by the City of Frankfort/Franklin County Storm water Advisory Committee and forwarded to the Board for consideration.

Financial Analysis: Funds for implementation of the Phase II Permit are available in the Public Works Advisory Technical Budget (Account#100.61.53210).

Recommendation: Approval

Attachments: Ordinance

Contact Person Name:	Jeff Hackbart	Vicki Sewell
Title:	Director of Public Works	Franklin County Planning Director
Department:	Public Works	Planning
Phone:	352-2091	875-8751
E-Mail:	jhackbrt@fewpb.com	vsewell@dcrcr.net

4. ORDERS

4.1 An Order renaming the 400 Block of Kentucky Avenue as Curator Court

Purpose: The purpose of this item is to consider an Order changing the street name of the 400 block of Kentucky Avenue to Curator Court.

Background: The City received a request from Dispatch to change the street name of the 400 block of Kentucky Avenue to Curator Court. Kentucky Avenue is currently divided by Benson Creek and it is confusing for the public and emergency vehicles to find the properties located on the 400 block of Kentucky Avenue. The City has contacted the two affected property owners and both are in favor of the change. Two address changes will result from the name change.

Recommendation: Approval.

Attachments: Order.

Contact Person

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: (502) 875-8563
E-mail: jhackbrt@fewpb.com

5. RESOLUTIONS

5.1 Resolution Extending Term for Code Enforcement Task Force

Purpose: The purpose of this item is to consider a resolution to extend the completion of the work for the Code Enforcement Task Force.

Background: On 1-20-05, the Board of Commissioners created the Code Enforcement Task Force to define the city's purpose in having a code enforcement program, identify the City's focus, and improve the City's code enforcement efforts. The Task Force was to have completed its work by April 20, 2005, with a final report to the City Manager no later than April 24, 2005. The Task Force has determined additional time is needed to complete the review of the Property Maintenance Code and Code Enforcement Program. An extension is requested through June 2005.

Recommendation: Approval.

Attachments: Resolution

Contact:

Name: Tony Massey
Title: City Manager
Department: City Manager
Phone: 502/875-8500
E-Mail: amassey@fewob.com

6. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

- 6.1 To consider authorizing a bid award for In-Car Video Equipment from International Police Technologies, Inc. (Police Department).

Purpose: The purpose of this item is to receive authorization to purchase eleven (11) in-car video camera systems from International Police Technologies, Inc. at the contract price of \$3,100 per camera for a total purchase of \$34,100. This price is under State Contract number M-01157789.

Background: The purchase of in-car video systems is necessary to maintain the objectives of officer safety and aid in the prosecution of traffic and criminal cases.

This equipment represents replacement items. The Police Department maintains in-car video equipment in all pursuit vehicles assigned through the levels of patrol officer and sergeant.

Financial Analysis: \$35,000 is budgeted in equipment account 100.43.56550

Recommendation: Approval

Attachments: Master Agreement

Contact Person

Name: Walter M. Wilhoite
Title: Chief of Police
Department: Police
Phone: (502) 875-8523
E-Mail: mwilhoite@fewpb.com

- 6.2 To consider instructing the Mercer Group to develop a separate pay plan for public safety employees (Personnel).

Purpose: To instruct the Mercer Group personnel consultants develop a separate pay plan for public safety employees

Background: Recent discussions with Mercer Group and City of Frankfort Police and Fire Chiefs has brought to light new compensation data regarding the current and desired position in the market. This information has lead the Mercer Group to recommend a separate Public Safety pay plan be developed. The Public Safety market in Kentucky is different than the general market within which non-public safety market competes. Additionally, because of Civil Service requirements, the expectation of movement through the rank structure is something not found in the non-public safety pay structure. Given the current situation and Frankfort's position in the public safety market, one pay plan for all Frankfort employees is not recommended.

Financial Analysis: Consultant cost to develop this new pay plan would be \$3,500, plus miscellaneous travel expenses. Costs will be paid from account # 100-20-53265.

Recommendation: Approval

Attachments: None

Contact:

Name: John Morrow
Title: Personnel Director
Department: Personnel
Phone: 502/875-8500
E-mail: jmorrow@fewpb.com

- 6.3 To consider authorizing the sale of a 1981 85' aerial platform truck to the City of Yale, Michigan for a price of \$39,000 (Fire Department).

Purpose: To authorize the sale of a 1981 85' aerial platform truck to the City of Yale, Michigan for a sale price of \$39,000.

Background: On May 17, 2004, the Board of Commissioners approved entering into a contract with FIRETEC Apparatus Sales for advertising and marketing of a 1981 85' aerial platform truck, which was replaced in July 2004. The 1981 truck was surplus and has been marketed for sale since that time. The City of Yale, Michigan has agreed to purchase the truck for \$39,000. This is less than hoped for originally, but it is obvious that continuing to advertise would be pointless. The contract with FIRETEC called for a 10% broker fee (\$3,900).

Financial Analysis: Proceeds from the sale will be deposited in the City's Contingency Fund.

Recommendation: Approval

Attachments: Memo from Fire Chief Possich

Contact:

Name: Wallace Possich
Title: Fire Chief
Department: Fire
Phone: 502/875-8556
E-Mail: wpossich@fewpb.com

- 6.4 To consider authorizing the disposal of surplus property by public auction (Finance Department)

Purpose: To consider declaring property as surplus for disposal by public auction.

Background: Department heads have provided a list of various items deemed obsolete or no longer required in their area. Items require disposal to provide storage space for currently used material. Auction date is tentatively set for Saturday, May 14, 2005 at the City Garage off U.S. 421 N.

Financial Analysis: Proceeds from auction should generate approximately \$10,000.

Recommendation: Approval

Attachment: List of surplus items titled "City Surplus Auction – 2005"

Contact Person:

Name: Angie Disponette
Title: Purchasing Agent
Department: Finance
Phone: (502) 352-2084
E-Mail: adisponette@fewpb.com

- 6.5 To consider authorizing the Forestry Division of the Department of Parks and Recreation to apply for an Urban Forestry Grant from the Kentucky Division of Forestry, and authorize the Mayor to sign all grant-related documents.

Purpose: To consider authorization an application for Urban Forestry Grant funding from the Kentucky Division of Forestry for the purpose of providing training to the Frankfort Urban Forestry Board and other tree boards in Kentucky.

Background: The Frankfort Parks and Recreation Department, Forestry Division, is planning to apply for funding from the Kentucky Division of Forestry under the Urban Forestry Program. The Department plans to apply for \$3,000 to hold a training session for the Frankfort Urban Forestry Board, and approximately 12-15 additional Tree Boards in Kentucky. Training would involve speakers and panel discussions on subjects such as duties of Tree Boards; characteristics of effective Tree Boards; strategic thinking and planning; working with the media, public, volunteers and government entities; success stories; and funding issues. The application deadline is May 6, 2005.

Financial Analysis: The application will request \$3,000. Matching funds will be provided by the City in the amount of \$2,000, and in-kind in the amount of \$1,000. Funds are available in Forestry Account No. 100.86.56550.

Recommendation: Approval

Attachment: None

Contact:

Name:	Steve Brooks	Andrew Cammack
Title:	Director	Forester
Department:	Parks and Recreation	Parks and Recreation
Phone:	502/352-2029	502/227-4326
E-Mail:	sbrooks@fewpb.com	acammack@fewpb.net

- 6.6 To consider declaring two golf course mowers as surplus for trade-in value on two new mowers.

Purpose: To declare equipment surplus for trade-in value on two new mowers.

Background: The golf course is requesting that two X-Mart 60" mowers be declared surplus. (Their serial numbers are 282423 and 2975280.) With this declared surplus, we can apply the trade-in value on the purchase price of two new X-Mart 60 mowers.

Both of these mowers are 5 years old. One of the mowers has a bad motor and the other a bad transmission. The repairs are too costly to keep these mowers.

Financial analysis: Cost of two new mowers under State Price contract (CO23295011) is \$13,774. Trade-in amount allowed for both mowers is \$3,000. Total cost for two new mowers is \$10,774. Funds are available in Account No. 100.79.56550.

Recommendation: Approval

Attachments: None

Contact Person:

Name:	Kirk Schooley
Title:	Golf Professional
Department:	Golf (79)
Phone:	875-8559
E-Mail:	kschooley@fewpb.com

- 6.7 Personnel

<u>Personnel Action</u>	<u>Employee</u>	<u>Effective Department</u>	<u>Date</u>	<u>Other</u>
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Confirmation

	Jerry Marcum	Police	Effective 4/26/05	Patrol Officer
	Brandon Womack	Fire	Effective 4/27/05	Firefighter/EMT
Appointment	David Gipson Jr.	Sanitation	Effective 4/26/05	Maintenance Worker
	Mark A. Henson	Fire	Effective 4/26/05	Firefighter/EMT
	Katie L. Sewell	Communications	Effective 4-26-05	Telecommunicator
Retirement	Dale E. Roberts	Police, Detective	Effective 4/30/05	Authorize Payment 259 hours Vacation and 85.5 hours Holiday

Attachments:

Retirement letter – Dale Roberts

7. BOARD APPOINTMENTS

7.1 Frankfort Housing Authority

- Maria Bush – 3-Year Term ending 1-29-2009. Replaces Teresa McGrath.

7.2 Frankfort Civil Service Board for Police and Fire

- Marilyn Eaton-Thomas – 4-Year Term ending 2-28-2009.

Attachment: Resume

8. OLD BUSINESS

None

9. NEW BUSINESS

9.1 To consider approving a Resolution authorizing the filing of an Application for a Water Quality Management Planning Program Grant authorized by Section 604(b) of the Clean Water Act.

Purpose: The purpose of this item is to consider authorizing the filing of an Application for a grant funded with the Water Quality Management Planning Program Grant authorized by Section 604(b) of the Clean Water Act to partially fund an update of the Sewer Department's Regional Wastewater Facilities Plan Update.

Background: On April 20, 2005 the Frankfort Sewer Department was notified that Frankfort has been selected to receive a \$15,000 grant from the Kentucky Division of Water through the Water Quality Management Planning Program of Section 604(b) of the Clean Water Act. This grant will partially fund the current update of the Department's Regional Facilities Plan. HMB Engineers, as part of the Holmes Street Sewer Separation Project, is currently updating the plan for the Department. The grant application must returned to the Division of Water no later than May 15, 2005.

Financial Analysis: This grant will partially offset the cost of updating the Facilities Plan.

Recommendation: Approval

Attachments: Agreement Form
Resolution

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director

Department: Sewer
Phone: 875-2448
Email: wscalf@fewpb.com

10. CITIZEN COMMENTS (Non-agenda items)

11. COMMISSIONER COMMENTS

12. RECESS

13. WORK SESSION

13.1 General Fund Budget Discussion – Subsidy Requests/Capital Projects

14. ADJOURN